

11/29/00

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,

Plaintiff

v.

DR. ROBERT CLARK,
MARTIN L. DRAGOVICH,
JOHN A. PALAKOVICH,
ROBERT N. NOVOTNEY,
MICHAEL J. KAZOR, and
JOHN ANDRADE,

Defendants

CIVIL NO. 1:CV-00-1090

FILED
HARRISBURG, PA

NOV 29 2000

MARY E. D'ANDREA, CLERK
Per MA
Deputy Clerk

ORDER

Before the court is an appeal by Plaintiff of an order of the magistrate judge which required Plaintiff to file an appropriate brief on or before December 15, 2000. In his appeal, Plaintiff is also asking this court to grant him an additional extension of time into January 2001 to file the brief. Plaintiff's request is based on the fact that he is only permitted 100 pages of free paper per month from the prison and is not allowed free photocopying. He claims he must wait for the December allotment of paper in order to comply with the magistrate judge's order.

Plaintiff alleges that he has had to prepare a response to Defendants' motion to revoke his in forma pauperis status which took 40 pages. He was required to reproduce three copies which required a total of 120 pieces of paper.

Middle District Local Rule 5.1 sets forth the requirements as to size and other physical characteristics of papers and documents filed with the court. In accordance with this rule, it has been determined that one handwritten page of Plaintiff's submission is equivalent to one and one-quarter page of type written material.

Middle District Local Rule 7.8 requires briefs to be no longer than 15 pages without consent of court. Thus, equating one handwritten page to one and one-quarter typed page, Plaintiff's filings are clearly exceeding the page requirements of the court. Plaintiff, by abiding by the local rules of court concerning page requirements, would clearly have sufficient paper in any one month to meet his court requirements. Thus, with the receipt of December's allotment of paper, Plaintiff can meet the magistrate judge's deadline of December 15, 2000.

Accordingly, **IT IS HEREBY ORDERED THAT:**

- 1) The magistrate judge's order of November 20, 2000, is affirmed.
- 2) This matter is referred back to Magistrate Judge Smyser.


SYLVIA H. RAMBO
United States District Judge

Dated: November 29, 2000.

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

November 29, 2000

Re: 1:00-cv-01090 Jae v. Clark

True and correct copies of the attached were mailed by the clerk
to the following:

John Richard Jae
SCI-GREENE
#BQ-3219
175 Progress Drive
Waynesburg, PA 15370

James D. Young, Esq.
LAVERY, FAHERTY, YOUNG & PATTERSON, P. C.
P. O. Box 12465
Harrisburg, PA 17108-1245 Fax No.: 717-233-7003

Robert M. Wolff, Esq.
PA Department of Corrections
Office of Chief Counsel
55 Utley Drive
Camp Hill, PA 17011-8028

cc:

Judge	(X)	
Magistrate Judge	(X)	
U.S. Marshal	()	
Probation	()	
U.S. Attorney	()	
Atty. for Deft.	()	
Defendant	()	
Warden	()	
Bureau of Prisons	()	
Ct Reporter	()	
Ctroom Deputy	()	
Orig-Security	()	
Federal Public Defender	()	
Summons Issued	()	with N/C attached to complt. and served by: U.S. Marshal () Pltf's Attorney ()
Standard Order 93-5	()	
Order to Show Cause	()	with Petition attached & mailed certified mail to: US Atty Gen () PA Atty Gen ()

Bankruptcy Court ()
Other _____ ()

DA of County () Respondents ()

MARY E. D'ANDREA, Clerk

DATE: November 29th, 2000

BY:


Deputy Clerk